

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>ANDREA KNOWLES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No.</b>
	)	
<b>BEACH OIL COMPANY, INC.</b>	)	<b>JUDGE</b>
	)	<b>MAGISTRATE JUDGE</b>
	)	
	)	<b>JURY DEMAND</b>
	)	
<b>Defendant.</b>	)	

**COMPLAINT**

COMES NOW the plaintiff, by and through counsel, and submits her Complaint against defendant. Plaintiff would allege as follows:

1. Plaintiff is a citizen and resident of Robertson County, Tennessee.
2. Defendant, Beach Oil Company, is a for profit Tennessee corporation with its principal place of business located at 631 Martin Luther King Boulevard, Clarksville, Tennessee 37043. Defendant can be served through its registered agent William Beach, 631 I-24 Connector Road, Clarksville, Tennessee 37040.

**JURISDICTION**

3. All of the events complained of herein occurred in this Judicial District and the defendants are an entity contained herein, which gives rise to venue in this district, under 28 U.S.C. §1391(b).
4. This Court has jurisdiction over the lawsuit according to 28 U.S.C. §§ 451, 1331,

1337, and 1343. The Court has jurisdiction of the lawsuit in that it arises under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5 and the Equal Pay Act. The Court also has supplemental jurisdiction of the State Law Claim for discrimination.

## **FACTS**

5. Plaintiff was hired by Defendant on or about March 22, 2010, as a oil truck driver.
6. During her career with Defendant, Plaintiff has been discriminated against because of her gender and has been retaliated against for complaining of the same.
7. When Plaintiff was first employed with Defendant her job required her to lift full and empty oil drums, pails and boxes and clean the warehouse. Plaintiff was also required to load and unload trucks.
8. On her first day at work Plaintiff road with another employee of Defendant making deliveries to Defendant's customers in a delivery truck. Plaintiff had no problems performing the job duties required when making deliveries. Thereafter, Plaintiff began driving delivery trucks on her own to Defendant's customers. Plaintiff held a Commercial Driver's License for approximately ten years prior to working for Defendant and a Department of Transportation Physical Card.
9. During her employment, Plaintiff was subjected to comments from male employees to the effect that Plaintiff was "weak" because she is a "girl," that she should work in the warehouse so no one will have to "babysit" her, and one male employee refused to ride in the delivery truck with her because she is a woman.
10. In or about April of 2010, Plaintiff was told by another employee that her supervisor had made remarks about whether she could perform her job responsibilities compared to male

employees. Plaintiff confronted her supervisor about what she had heard and informed him that she was just as qualified as the male employees.

11. In or about April of 2010, Plaintiff was terminated even though she had no performance issues and was otherwise qualified for the position. Plaintiff was almost immediately replaced by a male employee with less experience. Additionally, this male employee was paid more per hour than Plaintiff had been for doing the same job. Plaintiff has filed her charge with the EEOC and received her right to sue letter.

### **CAUSES OF ACTION**

#### **I. Gender Discrimination**

12. Plaintiff incorporates herein by reference the factual allegations outlined in paragraphs 1 through 11.

13. The plaintiff alleges that the intentional acts and omissions as described herein by the defendants constitute violations of Title VII of the Civil Rights of 1964, as amended, as a result of the gender, which entitles her to compensatory damages in the amount of \$300,00.00, reinstatement, back pay, front pay, and attorney's fees and costs.

#### **II. Retaliation**

14. Plaintiff incorporates herein by reference the factual allegations outlined in paragraphs 1 through 11.

15. Plaintiff alleges that the intentional acts and omissions as described herein by the defendants constitute adverse employment actions of retaliation for filing charges of discrimination under either Title VII, or the Tennessee Human Rights Act, which entitles her to compensatory damages in an amount of \$300,000.00, reinstatement, back pay, front pay, and attorney's fees and

costs.

### **III. Violations to the Tennessee Human Rights Act**

16. Plaintiff incorporates herein by reference the factual allegations outlined in paragraphs 1 through 11.

17. Plaintiff alleges that the intentional acts and omissions as described herein by the defendants are violations of the Tennessee Human Rights Act which entitle her to compensatory damages, back pay, front pay, and attorney's fees and costs.

### **IV. Harassment and Hostile Environment**

18. Plaintiff incorporates herein by reference the factual allegations outlined in paragraphs 1 through 11.

19. Plaintiff alleges that she has been subjected to derogatory comments about her gender that have otherwise caused a hostile and harassing environment.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays for the following relief:

1. That proper process issue be served upon the defendants that the defendants be required to answer within the time prescribed by law.
2. The plaintiff receive compensatory damages, reinstatement, back pay, front pay and punitive damages against the defendant in an amount supported by the proof in this cause.
3. That this Court grant a permanent injunction in joining the defendants, as officers, successors, assigns and all persons in active consort or participation with it, from engaging in employment practice which discriminates on the basis of gender.

4. That this matter be set for a trial by jury.
5. That the plaintiff be awarded her reasonable fees, costs, fees and expenses incurred herein.
6. For all such other general or specific relief to which the plaintiff may be entitled as the Court deems and as justice and equity require.

Respectfully submitted;

KELLY, KELLY, & ALLMAN

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